

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

WALLACE HINTON, <i>Pro Se</i> ,	)	Case No.: 1:07 CV 3384
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of Social Security,	)	
	)	
Defendant	)	<u>ORDER</u>

On October 31, 2007, Plaintiff Wallace Hinton (“Plaintiff” or “Hinton”), *pro se*, filed the above-captioned case, seeking judicial review of Defendant Commissioner of Social Security’s (“Defendant” or “Commissioner”) final determination denying Plaintiff’s application for Disability Insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416(i) and 423 and Supplemental Security Income benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1381 *et seq.* (Compl., ECF No.1; Am. Compl., ECF No. 7.) This court referred the case to Magistrate Judge Kenneth McHargh for preparation of a report and recommendation. (ECF No. 5.) The Magistrate Judge submitted his Report and Recommendation on July 1, 2008, recommending that the court affirm the Commissioner’s decision to deny Hinton benefits, on the ground that the Administrative Law Judge’s decision, which ultimately became the final decision of the Commissioner, was supported by substantial evidence. (ECF No. 20.)

As of the date of this Order, Petitioner has not filed objections to the Report and Recommendation, which were due on July 15, 2008. By failing to do so, he has waived the right to appeal the Magistrate Judge's recommendation. *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The court finds, after careful review of the Magistrate Judge's Report and Recommendation and all other relevant documents, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation. (ECF No. 20.)

Consequently, the Commissioner's decision is hereby affirmed, and final judgment is entered in favor of Defendant. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

July 22, 2008